UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

HARVEY EUGENE TAYLOR]	
Plaintiff,	}	
]	
v.]	No. 3:15-0714
]	Senior Judge Haynes
DEBORAH HOUSEL]	
Defendant.]	

MEMORANDUM

Plaintiff, Harvey Eugene Taylor, an inmate at the Morgan County Correctional Complex in Wartburg, Tennessee, filed this *pro se* action under 42 U.S.C. § 1983 action against the Defendant Deborah Housel, a Davidson County prosecutor. Plaintiff seeks damages for malicious prosecution. According to the complaint, Defendant committed perjury at Plaintiff's plea hearing on August 20, 2009 in violation of Plaintiff's constitutional rights.

Plaintiff's complaint was in the Clerk's Office on June 26, 2015. Plaintiff's claim arose at the plea hearing that took place on August 20, 2009. Thus, this action is time-barred by the one year statute of limitations imposed upon civil rights claims brought in Tennessee. Merriweather v. City of Memphis, 107 F.3d 396, 398 (6th Cir.1997). Plaintiff's complaint does not allege any facts to suggest that the statute should be tolled to permit the untimely filing of his complaint. Because this action is clearly untimely, the Court concludes that Plaintiff has failed to state a claim upon which relief can be granted. Dellis v. Corrections Corp. of America, 257 F.3d 508, 511 (6th Cir.2001)(sua sponte dismissal of an untimely prisoner complaint is appropriate).

In any event, prosecutors enjoy absolute immunity for conduct within the scope of their

prosecutorial duties. Imbler v. Pachtman, 424 U.S. 409, 430 (1976). Therefore, Plaintiff cannot state a claim for damages against the Defendant.

Thus, the Court concludes that the complaint must be dismissed sua sponte. 28 U.S.C. § 1915(e)(2).

An appropriate Order is filed herewith.

ENTERED this the day of August, 2015.

Senior United States District Judge